

## **REMARKS**

By the present amendment, Applicant has amended Claims 58 and 115 and canceled Claims 1-57, 86, and 143. Claims 58-85, 87-142, and 144-171 remain pending in the present application. Claims 58 and 115 are independent claims.

Applicant appreciates the courtesies extended to Applicant's representative during the personal interview held November 14, 2008. The present response summarizes the understandings reached and substance of the interview. At the interview, arguments were advanced that the: a) the amendment after final rejection should have been entered since it merely incorporated dependent claims 86 and 143 into their respective independent claims 58 and 115; and b) the prior art used to reject the claims did not possess the VERIFICATION MODE as claimed, specifically the determination whether the recipient of the fax actually retrieved the sent fax. The Examiner indicated that consideration would be given to entering the amendment on appeal. The Examiner further indicated that as broadly as claimed the Cairo reference (5,566,230) discloses the claimed "retrieval" of the fax. The Examiner, however, indicated that further amendment and arguments regarding the VERIFICATION MODE would be considered.

In view of the present filing of this RCE, Applicant requests that both amendments be entered prior to examination.

In the recent Office Action the Examiner rejected independent claims 58 and 115 under 35 U.S.C. § 102(b) as being anticipated by Mandelbaum et al (5,552,897). Since these claims have been amended by the insertion of dependent claims 86 and 143, respectively, Applicant notes that those claims were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mandelbaum et al ('897) in view of Cairo(5,566,230).

Applicant will advance arguments hereinbelow to illustrate the manner in which the presently claimed invention is patentably distinguishable from the cited and applied prior art. Reconsideration of the present application is respectfully requested.

Applicant's invention is a system and/or method for routing voice/video/fax mail from a sending fax machine to a receiving fax machine. Each fax machine includes a processor and memory and specific fax software whereby the fax machines are configured for routing voice/video/fax mail to associated recipients. As depicted in the figures, fax machine 10 allows the sender of voice/video/fax mail to be the controller of voice/video/fax mail, and enables the sender to be certain that voice/video/fax mail is delivered to an intended recipient using a fax machine 10 via a WAN. For example, the fax machine 10 may be a system connected to a user's office by wire, cable, etc. so the printer at an intended recipient's location may be under the user's control, and the fax document may be secured in a glass container until the user proof reads or feels assured of delivering, or even shredding the fax mail. When the user is satisfied that the fax documents are correct, the user then releases the document to the recipient. Furthermore, each fax machine includes fax software to enable it to be configured in a VERIFICATION MODE thereby permitting the sender to

determine whether the fax mail has been retrieved by the recipient at the receiving fax machine. As the specification states beginning at page 31:

*“Fax machine 10 also allows a fax sender to access a recipient fax machine 10 in order to determine whether a particular voice/video/fax mail has been received and accessed by the intended recipient. This enables the sender to verify and confirm voice/video/fax mail retrieval on the recipient's fax machine 10 by way of a muted ring. The sender may access the recipient, and discreetly verify not only that the voice/video/fax mail has been received, but also that the recipient has indeed retrieved the voice/video/fax mail. Since a passcode may be used on all private mail, fax machine 10 may enable the sender to call the receiver's fax machine 10, dial in the passcode plus a specified voice/video/fax mail transmission number, and fax machine 10 may confirm whether the voice/video/fax mail has been received, or is pending retrieval. This feature has value on all systems set up employing the teachings of the invention, and particularly in the case of intracompany correspondence. A visible or invisible transmission number may appear on the face of all outgoing voice/video/fax mail, along with other standard information, such as the date, receiver's fax number, or the like.*

*As shown in Fig. 9, fax machine 10 may be configured in a VERIFICATION mode. When voice/video/fax mail has been sent and when fax machine 10 is set to a VERIFICATION MODE (step 700), a muted ring call is made (step 702), and if no signal is received (step 706), fax machine 10 waits for the signal and confirms the signal (step 704). The voice/video/fax mail tracking number is entered, the voice/video/fax mail status is retrieved, and a determination is made whether or not the voice/video/fax mail has been retrieved by the recipient, or is still pending retrieval (steps 706, 710, 712, 714). “*

In order to specifically recite these features, independent claims 58 and 115 have been similarly amended to recite: *“said first and second fax machines’ software further include programmed functions to configure the fax machines in a VERIFICATION MODE for enabling the sender to access the receiving fax machine and determine whether voice/video/fax mail sent from the sending fax machine has been received, accessed and retrieved by the intended recipient at the receiving fax machine.”*

In contradistinction to Applicant’s claimed invention, Mandelbaum lacks fax software to configure the fax machines into a VERIFICATION MODE for enabling the sender to determine whether voice/video/fax mail sent from the fax machine has been retrieved by a recipient at a receiving fax machine. Since the transmissions are coded, Mandelbaum assumes the recipient has retrieved the transmission by entering the security codes. Mandelbaum wants to ensure that the intended recipient received the fax, as opposed to Applicant’s endeavor to remove the excuse “I never got the fax” from the equation.

In order to overcome Mandelbaum’s lack of structure/method, the Examiner relies on Cairo (‘230) to teach a method of certifying fax deliveries. The Examiner notes that Cairo discloses “indicia of delivery” (column 2, lines 51 to Column 3, line 7). Adding “indicia of delivery” to Mandelbaum’s fax communication would, at best, seem redundant since the sender inputs the selected recipient’s ID, password, etc. and the recipient must use

their own code, pin number, smart code etc. to access the fax, thereby ensuring indicia of delivery. Regardless of the obviousness of using Cairo's structure/method of certifying a fax delivery, Cairo fails to disclose structure/method of a VERIFICATION MODE that enables the sender to access the receiving fax machine in order to determine that the intended recipient has received, accessed and retrieved the fax AND NOT JUST THAT IT WAS DELIVERED. The Examiner's reliance on Cairo's column 3, lines 1-27 to teach a retrieval of the sent fax is in error. Cairo clearly states that the **indicia of delivery** corresponds to page and time of receipt and has nothing to do with allowing the sender to determine if the intended recipient has accessed and retrieved the sent fax.

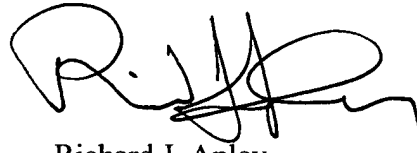
Thus, the prior art fails to disclose the claimed invention. In summary, the prior art does not possess communicatively interconnected or linked fax machines, each possessing specific fax software that enables the sender to engage the receiving fax machine into a mode in which the sender controls the receiving fax machine's total function until the sender releases the fax document also configures the fax machines into a VERIFICATION MODE that enables the sender to access the receiving fax machine and determine if the intended recipient **received, accessed and retrieved** the fax transmission..

*Application No.: 10/736,587*  
*Art Unit: 2616*

*Attorney Docket No.: 4851.03*  
*Confirmation No.: 5735*

For the foregoing reasons, Applicant respectfully submits that the present application is in condition for allowance. If such is not the case, the Examiner is requested to kindly contact the undersigned in an effort to satisfactorily conclude the prosecution of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. J. Apley', with a stylized flourish at the end.

Richard J. Apley  
Registration No. 51,316  
(703) 486-1000

RJA: dht

Attachments: Petition for Extension of Time: Two (2) months  
Check for Extension of Time: \$245.00